

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHNNY D. PENNINGTON)

COMPLAINANT)

V.)

KENTUCKY POWER COMPANY)

DEFENDANT)

CASE NO.
2015 -00260

ORDER

On July 16, 2015, Johnny D. Pennington filed a Complaint against Kentucky Power Company ("Kentucky Power") in which he alleged that Kentucky Power wrongfully refused to establish electric service at his residence at 736 Hager Branch Road, East Point, Kentucky, unless he agreed to pay the balance due on a prior resident's account, and that Kentucky Power in fact added the balance from the prior resident's account to his bill. On July 22, 2015, the Commission ordered Kentucky Power to satisfy or answer the Complaint. On July 29, 2015, Kentucky Power filed an Answer in which it denied that Mr. Pennington is entitled to the relief sought in his Complaint.

As there appear to be material issues of fact in dispute, the Commission established a procedural schedule to afford the parties an opportunity to conduct discovery, and to enable the Commission to investigate the claims set forth in the Complaint. The procedural schedule established by the Commission ordered that all

requests for information be filed no later than October 14, 2015, and that all responses to requests for information be filed no later than October 28, 2015.

On September 29, 2015, Kentucky Power filed a motion to stay the procedural schedule, and a motion to dismiss the complaint or, in the alternative, for summary judgment. In support of its motion for a stay of the procedural schedule, Kentucky Power argues that if either of its alternative dispositive motions is granted, discovery would be unnecessary. Kentucky Power further argues that a stay pending the Commission's disposition of its motions would not prejudice Mr. Pennington, and would save the parties the time and expense of preparing and responding to discovery should the Commission grant one of its dispositive motions.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Kentucky Power has established good cause for leave to stay the procedural schedule pending the Commission's ruling on its dispositive motions.

IT IS HEREBY ORDERED that:

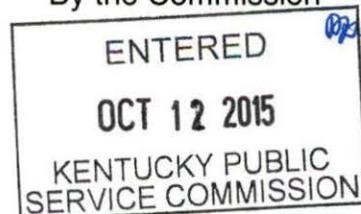
1. Kentucky Power's motion to stay the procedural schedule is hereby granted.
2. In the event that the Commission denies Kentucky Power's dispositive motions, the Commission will reschedule the deadlines to serve and respond to requests for information.

ATTEST:



Executive Director

By the Commission



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